THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No : 18942 of 2005

Dated: 25-08-2005

Between:

G. Satyanarayana,

S/o. Late Ramulu, Hindu,

Aged 27 years, occ: Upa Sarpanch,

R/o. Bogaram Grampanchayat,

Keesara Mandal, Ranga Reddy District.

Petitioner…

And

The District Panchayat Officer,

Ranga Reddy District and another.

Respondents…

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ORDER:

This writ petition is filed seeking Writ of Certiorari calling for the records and to quash the impugned proceedings of the 1st respondent, District Panchayat Officer, in Roc.No.B1/1673/2003 dated 19-08-2005 as illegal and arbitrary.

The case of the petitioner is that he is Upa-sarpanch and

1st Ward Member of the Bogaram Grampanchayat, Keesara Mandal, Ranga Reddy District and he took charge of the

Upa-sarpanch in the year 2001. The 1st respondent, on a complaint received stating that the petitioner has more than two children and the same is against the provisions

of the A.P. Panchayat Raj Act, 1994 (for short 'the Act') under Section 19(3), directly issued show cause notice, dated 19-08-2005, without any intimation.

Heard the learned counsel on either side and perused the material on record.

A bare perusal of the impugned order shows that the petitioner has been given 15 days time to submit his explanation to disprove the allegations levelled against him but instead of challenging the allegations made against him, he straight away approached this Court by filing the present writ petition, which is not maintainable.

Instead of filing the writ petition seeking to quash the impugned notice, the petitioner ought to have disputed the allegations levelled against him as per the intimation given to him, which is in the nature of show-cause notice, dated 19-08-2005, or approached the District Court by invoking the provisions of the Act.

With the above observation, the writ petition is dismissed as not maintainable. No order as to costs.

However, it is open to the petitioner either to submit his explanation to the show cause notice dated 19-08-2005 or approach the District Court which is the competent authority having jurisdiction to entertain the matter.

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ELIPE DHARMA RAO, J

Dated: 25-08-2005

LSK/DSK